

# EXHIBIT B

POTTERS & DELLA PIETRA LLP  
COUNSELORS AT LAW

GARY POTTERS \*  
CHRISTOPHER V. DELLA PIETRA ▲  
JODI S. BRODSKY ▲  
MICHELE L. DELUCA ♦  
DREW D. KRAUSE ■  
RICHARD J. SIMEONE, JR. ●  
\* MEMBER OF NJ BAR  
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WEST CALDWELL, NJ 07007-0657

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546 FIFTH AVENUE  
NEW YORK, NY 10036  
(212) 355-8555

March 30, 2016

By Federal Express

KatieLynn B. Townsend, Esq.  
Litigation Director  
Reporters Committee for Freedom of the Press  
1156 15<sup>th</sup> Street NW, Suite 1250  
Washington, DC 20005

Re: Golden, et al. v. New Jersey Institute of Technology, et al.  
Civil Action No. 2:15-cv-8559-MCA-LDW  
PDP File No. 80321.50606

Dear Ms. Townsend:

Further to the discussions among counsel and the recently entered Order, please find enclosed documents bates stamped Golden-1 through Golden-597.

By way of explanation, you will discern two Bates stamped prefixes on these documents. The first is an NJIT prefix and the second is a Golden prefix. Neither Bates stamp prefix was affixed to these documents by NJIT; rather, all Bates stamping on these documents and presumably documents to be produced going forward, were affixed by or on behalf of the FBI after NJIT provided copies of all responsive documents to the FBI in or about October, 2015.

I additionally attach correspondence dated February 18, 2016, from the FBI to NJIT. The February 18, 2016, correspondence accompanied the Golden-1 – Golden-597 production by the FBI back to NJIT. The return of these documents to NJIT by the FBI was done in accordance with FBI protocol where a request is made for the FBI to review records, as occurred here. By way of explanation for why the letter is dated February 18 and the production bears the date set forth above, it was believed there was a discrepancy in what was produced by NJIT to the FBI and on further review, no such discrepancy exists.

Going forward, NJIT will forward to you and Mr. Golden productions as they are received from the FBI consistent with the February 18, 2016, hereinbefore referenced correspondence. The copying of Mr. Golden directly is done per your March 24, 2016, written request to Andrew Carmichael, Esq. requesting a copy be sent directly to Mr. Golden.

POTTERS & DELLA PIETRA LLP

COUNSELORS AT LAW

KatieLynn B. Townsend, Esq.

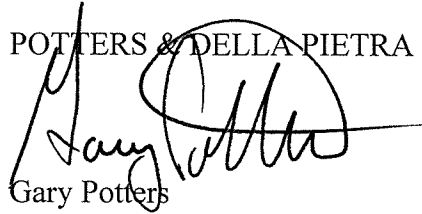
March 30, 2016

Page 2

Thank you.

Very truly yours,

POTTERS & DELLA PIETRA LLP

A handwritten signature in black ink, appearing to read "Gary Potters", is written over the printed name and firm name.

Gary Potters

GP:af

Enclosure

c: Mr. Dan Golden (by Federal Express)  
Bruce S. Rosen, Esq. (by email w/o encl.)  
Adam A. Marshall, Esq. (by email w/o encl.)  
Andrew Carmichael, Esq. (by email w/o encl.)  
Christopher D. Amore, Esq. (by email w/o encl.)

U.S. Department of Justice



**Federal Bureau of Investigation**  
Washington, D.C. 20535

Date: February 18, 2016

To: Clara Williams  
NJIT Custodian of Records  
Fenster Hall, Room 480  
NJ Institute of Technology  
323 Dr. Martin L. King Blvd.  
Newark, New Jersey 07102

From: David M. Hardy  
Section Chief  
Record/Information Dissemination Section  
Records Management Division  
Federal Bureau of Investigation  
170 Marcel Drive  
Winchester, Virginia 22602

Subject: Requesters: Daniel Golden and Tracy Locke  
Civil Action No.: 15-cv-08559  
Re: "all e-mail communications since January 1, 2010, between the Federal Bureau of Investigation or its representatives using the email domains @ic.fbi.gov, @fbi.gov, or any other email address, and" certain individuals at NJIT.

This letter and attached CD is in response to your request for the FBI's review of records responsive to the above-identified litigation.

After reviewing the information, we recommend that:

- ☐ all information be disclosed.
- ☐ all information be withheld pursuant to subsection(s)  
( ) ( ) ( ) of Title 5, United States Code, Section(s) 552/552a.
- ☒ portions have been withheld pursuant to subsection(s) (b)(6)/(b)(7)(C) of Title 5, United States Code, Section 552. The documents were inadvertently marked (b)(6) only; however, the FBI is also asserting (b)(7)(C) to protect information that, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy. The remainder of the documents may be disclosed as indicated on the attached CD.

Additionally, the FBI located a document which contains equities belonging to the Department of Security Services ("DSS"). This document has been forwarded to DSS for their review. The FBI will provide their response as soon as it is received.

If you have any questions regarding this response, please contact Drew Carmichael of the Federal Programs Branch of the U.S. Department of Justice at (202) 514-3346.

POTTERS & DELLA PIETRA LLP  
COUNSELORS AT LAW

GARY POTTERS \*  
CHRISTOPHER V. DELLA PIETRA ▲  
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May 2, 2016

By Federal Express

KatieLynn B. Townsend, Esq.  
Litigation Director  
Reporters Committee for Freedom of the Press  
1156 15<sup>th</sup> Street NW, Suite 1250  
Washington, DC 20005

Re: Golden, et al. v. New Jersey Institute of Technology, et al.  
Civil Action No. 2:15-cv-8559-MCA-LDW  
PDP File No. 80321.50606

Dear Ms. Townsend:

Further to the discussions among counsel and the entered Order, please find enclosed a CD containing documents bates stamped Golden-598 through Golden-1685.

As with the production under correspondence dated March 30, 2016, you will discern two Bates stamped prefixes on these documents. The first is an NJIT prefix and the second is a Golden prefix. Neither Bates stamp prefix was affixed to these documents by NJIT; rather, all Bates stamping on these documents and presumably documents to be produced going forward, were affixed by or on behalf of the FBI after NJIT provided copies of all responsive documents to the FBI.

I additionally attach correspondence dated April 28, 2016, from the FBI to NJIT. This correspondence accompanied the Golden-598 – Golden-1685 production by the FBI back to NJIT. The return of these documents to NJIT by the FBI was done in accordance with FBI protocol where a request is made for the FBI to review records, as occurred here.

NJIT will continue to forward to you and Mr. Golden productions as they are received from the FBI consistent with the February 18, 2016, correspondence. The copying of Mr. Golden directly is done per your March 24, 2016, written request to Andrew Carmichael, Esq. requesting a copy be sent directly to Mr. Golden.

POTTERS & DELLA PIETRA LLP

COUNSELORS AT LAW

KatieLynn B. Townsend, Esq.

May 2, 2016

Page 2

Thank you.

Very truly yours,

POTTERS & DELLA PIETRA LLP

A handwritten signature in blue ink, appearing to read "Gary Potters / M".

Gary Potters

GP:af

Enclosure

c: Mr. Dan Golden (by Federal Express)  
Bruce S. Rosen, Esq. (by email w/o encl.)  
Adam A. Marshall, Esq. (by email w/o encl.)  
Andrew Carmichael, Esq. (by email w/o encl.)  
Christopher D. Amore, Esq. (by email w/o encl.)

U.S. Department of Justice



Federal Bureau of Investigation  
Washington, D.C. 20535

Date: April 28, 2016

To: Clara Williams  
NJIT Custodian of Records  
Fenster Hall, Room 480  
NJ Institute of Technology  
323 Dr. Martin L. King Blvd.  
Newark, New Jersey 07102

From: David M. Hardy  
Section Chief  
Record/Information Dissemination Section  
Records Management Division  
Federal Bureau of Investigation  
170 Marcel Drive  
Winchester, Virginia 22602

Subject: Requesters: Daniel Golden and Tracy Locke  
Civil Action No.: 15-cv-08559  
Re: "all e-mail communications since January 1, 2010, between the Federal Bureau of Investigation or its representatives using the email domains @ic.fbi.gov, @fbi.gov, or any other email address, and" certain individuals at NJIT.

This letter and attached CD is in response to your request for the FBI's review of records responsive to the above-identified litigation.

After reviewing the information, we recommend that:

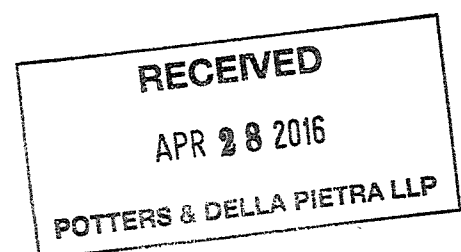
- ☐ all information be disclosed.
- ☐ all information be withheld pursuant to subsection(s)  
( ) ( ) ( ) of Title 5, United States Code, Section(s) 552/552a.
- ☒ portions have been withheld pursuant to subsections (b)(6), (b)(7)(C), and (b)(7)(E) of Title 5, United States Code, Section 552. The remainder of the documents may be disclosed as indicated on the attached CD. Enclosed is a copy of the Explanation of Exemptions for your reference.

Please be advised, the attached material (Golden 598-1685) represents the 2<sup>nd</sup> and 3<sup>rd</sup> interim releases of responsive material to the request.

Duplicate copies of the same document were not processed.

If you have any questions regarding this response, please contact Drew Carmichael of the Federal Programs Branch of the U.S. Department of Justice at (202) 514-3346.

Enclosure(s)



## EXPLANATION OF EXEMPTIONS

### SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information ( A ) could reasonably be expected to interfere with enforcement proceedings, ( B ) would deprive a person of a right to a fair trial or an impartial adjudication, ( C ) could reasonably be expected to constitute an unwarranted invasion of personal privacy, ( D ) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, ( E ) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or ( F ) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

### SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.



POTTERS & DELLA PIETRA LLP

COUNSELORS AT LAW

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(212) 355-8555

June 2, 2016

By Federal Express

KatieLynn B. Townsend, Esq.  
Litigation Director  
Reporters Committee for Freedom of the Press  
1156 15<sup>th</sup> Street NW, Suite 1250  
Washington, DC 20005

Re: Golden, et al. v. New Jersey Institute of Technology, et al.  
Civil Action No. 2:15-cv-8559-MCA-LDW  
PDP File No. 80321.50606

Dear Ms. Townsend:

Further to the discussions among counsel and the entered Order, please find enclosed a CD containing documents bates stamped Golden-52 through Golden-59; Golden 628 through Golden-630 and Golden-1686 through Golden-2190.

As with the productions under correspondence dated March 30, 2016 and May 2, 2016, you will discern two Bates stamped prefixes on these documents. The first is an NJIT prefix and the second is a Golden prefix. Neither Bates stamp prefix was affixed to these documents by NJIT; rather, all Bates stamping on these documents and presumably documents to be produced going forward, were affixed by or on behalf of the FBI after NJIT provided copies of all responsive documents to the FBI.

I additionally attach correspondence dated May 27, 2016, from the FBI to NJIT. This correspondence accompanied the production referenced above by the FBI back to NJIT. The return of these documents to NJIT by the FBI was done in accordance with FBI protocol where a request is made for the FBI to review records, as occurred here.

NJIT will continue to forward to you and Mr. Golden productions as they are received from the FBI consistent with the February 18, 2016, correspondence. The copying of Mr. Golden directly is done per your March 24, 2016, written request to Andrew Carmichael, Esq. requesting a copy be sent directly to Mr. Golden.

POTTERS & DELLA PIETRA LLP  
COUNSELORS AT LAW

KatieLynn B. Townsend, Esq.  
June 2, 2016  
Page 2

Thank you.

Very truly yours,

POTTERS & DELLA PIETRA LLP

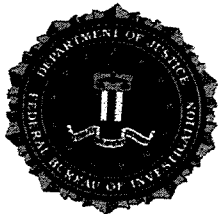


Gary Potters

GP:af

Enclosure

c: Mr. Dan Golden (by Federal Express w/encl.)  
Bruce S. Rosen, Esq. (by email w/o encl.)  
Adam A. Marshall, Esq. (by email w/o encl.)  
Andrew Carmichael, Esq. (by email w/o encl.)  
Christopher D. Amore, Esq. (by email w/o encl.)



U.S. Department of Justice

Federal Bureau of Investigation  
Washington, D.C. 20535

Date: May 27, 2016

To: Clara Williams  
NJIT Custodian of Records  
Fenster Hall, Room 480  
NJ Institute of Technology  
323 Dr. Martin Luther King Blvd.  
Newark, New Jersey 07102

From: David M. Hardy  
Section Chief  
Record/Information Dissemination Section  
Records Management Division  
Federal Bureau of Investigation  
170 Marcel Drive  
Winchester, Virginia 22602

Subject: Requesters: Daniel Golden and Tracy Locke  
Civil Action No.: 15-cv-08559  
Re: "all e-mail communications since January 1, 2010, between the Federal Bureau of Investigation or its representatives using the email domains @ic.fbi.gov, @fbi.gov, or any other email address, and" certain individuals at NJIT.

RECEIVED

MAY 31 2016

POTTERS & DELLA PIETRA LLP

This letter and attached CD is in response to your request for the FBI's review of records responsive to the above-identified litigation.

After reviewing the information, we recommend that:

- ☐ all information be disclosed.
- ☐ all information be withheld pursuant to subsection(s) ( ) ( ) ( ) of Title 5, United States Code, Section(s) 552/552a.
- ☒ portions have been withheld pursuant to subsections (b)(6), (b)(7)(C), and (b)(7)(E) of Title 5, United States Code, Section(s) 552/552a. The remainder of the documents may be disclosed as indicated on the attached CD. Enclosed is a copy of the Explanation of Exemptions for your reference.

Please be advised, the attached material (Golden 1686-2190) represents the 4<sup>th</sup> interim release of responsive material to the request.

Duplicate copies of the same document were not processed.

You were previously advised that the FBI was consulting with the Department of Security Services (DSS). This consultation has been completed and you will find those documents (Golden 52-59 and Golden 628-630) located on the enclosed CD as well.

Additionally, the FBI located documents which contain equities belonging to another government agency (OGA). This material has been forwarded for their review. The FBI will provide their response as soon as it is received.

If you have any questions regarding this response, please contact Drew Carmichael of the Federal Programs Branch of the U.S. Department of Justice at (202) 514-3346.

POTTERS & DELLA PIETRA LLP  
COUNSELORS AT LAW

GARY POTTERS \*  
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JODI S. BRODSKY \*  
MICHELE L. DELUCA \*  
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June 30, 2016

By Federal Express

KatieLynn B. Townsend, Esq.  
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1156 15<sup>th</sup> Street NW, Suite 1250  
Washington, DC 20005

Re: Golden, et al. v. New Jersey Institute of Technology, et al.  
Civil Action No. 2:15-cv-8559-MCA-LDW  
PDP File No. 80321.50606

Dear Ms. Townsend:

Further to the discussions among counsel and the entered Order, please find enclosed a CD containing documents bates stamped Golden-2191 through Golden-2724.

As with the productions under correspondence dated March 30, 2016, May 2, 2016 and June 2, 2016, you will discern two Bates stamped prefixes on these documents. The first is an NJIT prefix and the second is a Golden prefix. Neither Bates stamp prefix was affixed to these documents by NJIT; rather, all Bates stamping on these documents and presumably documents to be produced going forward, were affixed by or on behalf of the FBI after NJIT provided copies of all responsive documents to the FBI.

I additionally attach correspondence dated June 30, 2016, from the FBI to NJIT. This correspondence accompanied the production referenced above by the FBI back to NJIT. The return of these documents to NJIT by the FBI was done in accordance with FBI protocol where a request is made for the FBI to review records, as occurred here.

NJIT will continue to forward to you and Mr. Golden productions as they are received from the FBI consistent with the February 18, 2016, correspondence. The copying of Mr. Golden directly is done per your March 24, 2016, written request to Andrew Carmichael, Esq. requesting a copy be sent directly to Mr. Golden.

POTTERS & DELLA PIETRA LLP

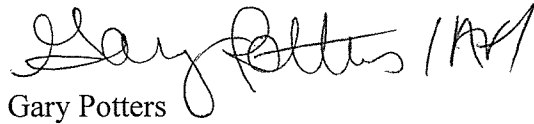
COUNSELORS AT LAW

KatieLynn B. Townsend, Esq.  
June 30, 2016  
Page 2

Thank you.

Very truly yours,

POTTERS & DELLA PIETRA LLP

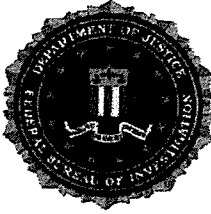
A handwritten signature in black ink, appearing to read "Gary Potters", followed by a stylized mark that looks like "1/11/16".

Gary Potters

GP:af

Enclosure

c: Mr. Dan Golden (by Federal Express w/encl.)  
Bruce S. Rosen, Esq. (by email w/o encl.)  
Adam A. Marshall, Esq. (by email w/o encl.)  
Andrew Carmichael, Esq. (by email w/o encl.)  
Christopher D. Amore, Esq. (by email w/o encl.)



U.S. Department of Justice

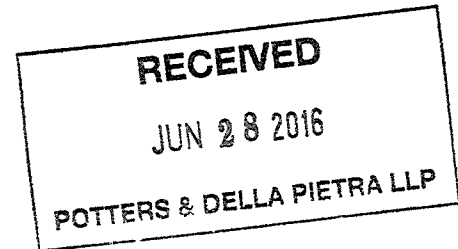
Federal Bureau of Investigation  
Washington, D.C. 20535

Date: June 30, 2016

To: Clara Williams  
NJIT Custodian of Records  
Fenster Hall, Room 480  
NJ Institute of Technology  
323 Dr. Martin Luther King Blvd.  
Newark, New Jersey 07102

From: David M. Hardy  
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170 Marcel Drive  
Winchester, Virginia 22602

Subject: Requesters: Daniel Golden and Tracy Locke  
Civil Action No.: 15-cv-08559  
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- ☐ all information be disclosed.
- ☐ all information be withheld pursuant to subsection(s)  
( ) ( ) ( ) of Title 5, United States Code, Section(s) 552/552a.
- ☒ portions have been withheld pursuant to subsections (b)(6), (b)(7)(C), and (b)(7)(E) of Title 5, United States Code, Section(s) 552/552a. The remainder of the documents may be disclosed as indicated on the attached CD. Enclosed is a copy of the Explanation of Exemptions for your reference.

Please be advised, the attached material (Golden 2191-2722) represents the 5<sup>th</sup> interim release of responsive material to the request.

Duplicate copies of the same document were not processed.

Additionally, the FBI located documents which contain equities belonging to another government agency (OGA). This material has been forwarded for their review. The FBI will provide their response as soon as it is received.

If you have any questions regarding this response, please contact Drew Carmichael of the Federal Programs Branch of the U.S. Department of Justice at (202) 514-3346.